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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91185436
Party	Defendant Spectrum Distribution and Marketing, Inc..
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Submission	Answer
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Date	11/03/2008
Attachments	Spectrum Answer.pdf ( 3 pages )(36722 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

STRICTLY HEALTH CORPORATION

Opposer,

vs.

SPECTRUM DISTRIBUTION AND  
MARKETING, INC.,

Applicant.

Opposition No.: 91185436

Application Serial No.: 77/299,843

Publication Date: May 27, 2006

Mark: HOODIA SHOT

**APPLICANT'S ANSWER TO OPPOSITION**

SPECTRUM DISTRIBUTION AND MARKETING, INC. ("Applicant"), hereby answers the Notice of Opposition ("Opposition"), filed by STRICTLY HEALTH CORPORATION ("Opposer"), which opposes Applicant's application, Serial No. 77/299,843, for the mark HOODIA SHOT.

1. Answering Paragraph 1 of the Opposition, Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations contained therein and, therefore, denies the same.

2. Answering Paragraph 2 of the Opposition, Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations contained therein and, therefore, denies the same.

3. Answering Paragraph 3 of the Opposition, Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations contained therein and, therefore, denies the same.

4. Opposer has failed to identify a Paragraph 4 in the Opposition.

5. Answering Paragraph 5 of the Opposition, Applicant admits it intends to offer goods under the mark HOODIA SHOT. Applicant lacks sufficient information to form a belief as to the truth or falsity of the remaining allegations contained therein and,

therefore, denies the same.

6. Answering Paragraph 6 of the Opposition, Applicant denies the allegations contained therein.

7. Answering Paragraph 7 of the Opposition, Applicant denies the allegations contained therein.

8. Answering the last unnumbered Paragraphs of the Opposition, Applicant denies the allegations contained therein.

### **AFFIRMATIVE DEFENSES**

1. Applicant repeats, realleges and incorporates herein each and every allegation of the preceding paragraphs as if fully set forth herein.

2. Opposer's Opposition is barred under the doctrine of laches.

3. Opposer's Opposition is barred by the doctrine of estoppel.

4. Opposer's Opposition is barred by the doctrine of waiver.

5. Opposer's Opposition is barred by the doctrine of unclean hands.

WHEREFORE, Applicant requests that the Opposition be denied.

Dated: November 3, 2008

Respectfully Submitted

/s/ Lauri S. Thompson

Lauri S. Thompson

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Attorneys for Applicant

### **CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing **APPLICANT'S ANSWER TO OPPOSITION**  
on:

Gregory F. Buhyoff  
Law Office of Gregory F. Buhyoff, P.C.  
8440 W. Lake Mead Blvd., Suite 202  
Las Vegas, Nevada 89128

Attorney for Opposer.

by causing a full, true, and correct copy thereof to be sent by the following indicated  
method or methods, on the date set forth below:

- ☒ by mailing in a sealed, first-class postage-prepaid envelope, addressed to the last-known office address of the attorney, and deposited with the United States Postal Service at Las Vegas, Nevada.
- ☐ by hand delivery.
- ☐ by sending via overnight courier in a sealed envelope.
- ☐ by faxing to the attorney at the fax number that is the last-known fax number.
- ☐ by electronic mail to the last known e-mail address.

DATED: November 3, 2008.

/s/ Cynthia L. Ney  
An employee of Greenberg Traurig, LLP